

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT ORDER OF
- v. -	:	FORFEITURE/ <u>MONEY JUDGMENT</u>
	:	
DANIEL DURAN,	:	
	:	S3 19 Cr. 117 (LJL)
Defendant.	:	
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WHEREAS, on or about January 6, 2020, DANIEL DURAN (the “Defendant”), was charged in a superseding information, S3 19 Cr. 117 (LJL) (the “Information”), with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One); aggravated identity theft, in violation to Title 18, United States Code, Section 1028A(a)(1), 1028A(b), and 2 (Count Two); conspiracy to commit mail and wire fraud, in violation of Title 18, United States Code, Section 1349 (Counts Three and Four); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Five); marriage fraud, in violation of Title 8, United States Code, Section 1325(c), and Title 18, United States Code, Section 2 (Count Six); conspiracy to commit marriage fraud, in violation of Title 18, United States Code, Section 371 (Count Seven); and loan fraud, in violation of Title 18, United States Code, Section 1014 (Counts Eight and Nine); ;

WHEREAS, the Information included, *inter alia*, a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing

the amount of proceeds traceable to commission of the offense charged in Count One of the Information;

WHEREAS, on or about January 6, 2020, the Defendant pled guilty to Counts One through Nine of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted, *inter alia*, the forfeiture allegation with respect to Count One of the Information, and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), a sum of money in United States currency, representing proceeds traceable to commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,341,035.61 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant Ricardo Taboada (the "Co-defendant"), to the extent a forfeiture money judgment is entered against the Co-defendant in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Daniel H. Wolf, of counsel, and the Defendant and his counsel, Murray Richman, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$1,341,035.61 in United States

currency (the “Money Judgment”), representing the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendant to the extent a forfeiture money judgment is entered against the Co-defendant in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant DANIEL DURAN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:


DANIEL H. WOLF
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2337

11/18/22
DATE


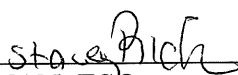
DANIEL DURAN

By:


DANIEL DURAN


11/18/22
DATE

By:

 
MURRAY RICHMAN, ESQ.
Attorney for Defendant
2027 Williamsbridge Road
Bronx, NY 10461

11/21/22
DATE

SO ORDERED:


HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE

11/18/2022
DATE